

British Stamps Forgery Prevention.

ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

No. I.

An Act to prevent the Forgery in New South Wales of Stamps of the United Kingdom. [19th July, 1850.]

BRITISH STAMPS FORGERY PREVENTION.

WHEREAS by various Acts of the Imperial Parliament of Great Britain and Ireland Stamps are by law required to be affixed to deeds writings and other matters and things executed written made and done within the United Kingdom And whereas doubts are entertained whether the forgery of such Stamps and the uttering of forgeries thereof within this Territory are liable to be punished within the said Territory And whereas it is expedient to remove such doubts and to make provision for the repression of such acts of forgery and uttering Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That if any person shall after the passing of this Act knowingly and without lawful excuse (the proof whereof shall lie on the person accused) have in his possession within the said Territory any false forged or counterfeit die plate or other instrument or part of any such die plate or instrument resembling or intended to resemble either wholly or in part any die plate or other instrument which at any time whatever hath been or shall or may be provided made or used by or under the direction of the Commissioners of Stamps for the purpose of expressing or denoting any stamp duty whatever or if any person shall within the said Territory knowingly and without lawful excuse (the proof whereof shall lie on the person accused) have in his possession any vellum parchment or paper having thereon the impression of any such false forged or counterfeit die plate or other instrument or part of any such die plate or other instrument as aforesaid or having thereon any false forged or counterfeit stamp mark or impression resembling or representing either wholly or in part or intended or liable to pass or be mistaken for the stamp mark or impression of any such die plate or other instrument which hath been or shall or may be so provided made or used as aforesaid knowing such false forged or counterfeit stamp mark or impression to be false forged or counterfeit or if any person shall within the said Territory fraudulently use join fix or place for with or upon any vellum parchment or paper any stamp mark or impression which shall have been cut torn or gotten off or removed from any other vellum parchment or paper or if any person shall within the said Territory fraudulently erase cut scrape discharge or get out of or from any stamped vellum parchment or paper any name sum date or other matter or thing thereon written printed or expressed with intent to use any stamp or mark then impressed or being upon such vellum parchment or paper or that the same may be used for any deed instrument

Preamble.

Persons knowingly having forged dies or stamps in their possession

or fraudulently affixing stamps &c.

or erasing names dates &c. with intent to use the stamps again

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or knowingly using
any stamped vellum
&c. from which any
name date &c. shall
have been fraudu-
lently erased

guilty of felony

Houses of persons
suspected of being
concerned in the
forging of dies or
stamps or in the com-
mission of other felo-
nious acts may be
searched.

ment matter or thing in respect whereof any stamp duty is or shall or may be or become payable or if any person shall within the said Territory knowingly use utter sell or expose to sale or shall knowingly and without lawful excuse (the proof whereof shall lie on the person accused) have in his possession any stamped vellum parchment or paper from or off or out of which any such name sum date or other matter or thing as aforesaid shall have been fraudulently erased cut scraped discharged or gotten as aforesaid then and in every such case every person so offending and every person knowingly and wilfully aiding abetting or assisting any person in committing any such offence and being thereof lawfully convicted shall be adjudged guilty of felony and shall be liable at the discretion of the Court to be kept to hard labor on the roads or other public works of the Colony for any period not exceeding fifteen years nor less than two years or to be imprisoned for any term not exceeding four years nor less than one year.

2. And be it enacted That on any information given before any Justice of the Peace upon the oath of one or more credible person or persons (which oath such Justice is hereby empowered to administer) that there is just cause to suspect any person within the said Territory of being or having been in any way engaged or concerned in making any false or counterfeit die plate or other instrument or unlawfully marking or impressing any stamp mark or impression on any vellum parchment or paper with any such die plate or instrument or in the unlawful possession of any forged or counterfeit die plate or instrument or of any vellum parchment or paper with any counterfeit stamp mark or impression thereon or in unlawfully or fraudulently or without due authority marking or impressing any lawful stamp on any vellum parchment or paper or in causing or procuring the same to be so marked or impressed or in aiding abetting or assisting in so marking or impressing the same or in the unlawful possession of any vellum parchment or paper or other material unlawfully or fraudulently or without due authority stamped or marked contrary to any of the provisions or regulations contained in any Act relating to stamp duties or of being or having been in any way engaged or concerned in the fraudulent erasing cutting scraping discharging or getting out of or from or off any stamped vellum parchment or paper any matter or thing thereon written printed or expressed or in the unlawful possession of any stamped vellum parchment or paper from or off or out of which any matter or thing shall have been fraudulently erased cut scraped discharged or gotten as aforesaid then and in every or any of the said cases it shall be lawful for such Justice by warrant under his hand to cause any and every dwelling-house room workshop out-house or other building yard garden or other place belonging to such suspected person or where any such person shall be suspected of being or of having been in any way engaged or concerned in the commission of any such offence as aforesaid or of secreting any such die plate or instrument or any such vellum parchment or paper or any of the machinery implements or utensils necessary or applicable to the commission of any such offence as aforesaid to be searched for any such stamped vellum parchment or paper and for any such die plate or instrument machinery implement or utensil or other matter or thing as aforesaid and if any of the said several matters or things shall be found in any place so searched or in the custody or possession of any person whatsoever not having the same by some lawful authority it shall be lawful for the person finding any such matters or things to seize the same respectively and to carry the same forthwith to the Justice by whom such warrant shall be granted or to any other Justice of the Peace having jurisdiction where the same shall be seized who shall cause the same to be secured and produced in evidence against
any

Juvenile Offenders.

any person who shall or may be prosecuted in any Court of Justice for any of the offences aforesaid and afterwards the said matters and things so seized whether produced in evidence or not shall by order of the Court or Judge before whom such offender shall be tried or by order of some Justice of the Peace in case there shall be no such trial be delivered over to the Commissioners of Stamps to be defaced or destroyed or otherwise disposed of as the said Commissioners shall think fit.

3. And whereas difficulties must unavoidably exist in proving ^{Evidence.} the said offences within the said Territory according to the ordinary rules of evidence unless special provision be made therefor Be it therefore enacted That it shall be lawful to produce in evidence against any party charged with any of the said offences any stamp mark or impression which shall have been transmitted to the Government of the said Colony with any Despatch from one of Her Majesty's Principal Secretaries of State as genuine stamps marks or impressions of any die plate or other instrument provided made or used by or under the direction of the Commissioners of Stamps for the purpose of expressing or denoting any stamp duty and that it shall be lawful for the Court and the Jury sworn upon the trial of any person charged with any such offence as aforesaid to compare and receive evidence founded upon the comparison of such stamp mark or impression with the die plate or instrument or stamp mark or impression by means of or in relation to which the offence charged against the person then on his trial shall be alleged to have been committed and thereupon to decide and determine accordingly.
